



INTERNATIONAL CENTRE  
900 SECOND AVENUE SOUTH, SUITE 820  
MINNEAPOLIS, MINNESOTA 55402-3813  
TELEPHONE 612 339-7461  
FACSIMILE 612 349-6556

RECEIVED

FEB 28 2003

TECH CENTER 1600/2900

1644 #38

February 5, 2003

OUR DOCKET NO. 960670.CNC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Donald L. N. Cardy et al : February 5, 2003  
S.N. : 08/737,457 : Art Unit 1644  
Filed : March 12, 1997 : Exam. G.R. Ewoldt  
For : IMPROVEMENTS IN OR RELATING TO  
PEPTIDE DELIVERY

U.S. PATENT AND TRADEMARK OFFICE  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

Sir:

Transmitted herewith is a Letter, together with a computer readable form (CRF) copy of the requested Sequence Listing and a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, in response to the Communication dated January 13, 2003 in the above-identified patent application.

The Commissioner is hereby authorized to charge any fees listed in 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 08-1265.

No additional fee is required.

Yours very truly,

NIKOLAI & MERSEREAU, P.A.

C. G. Mersereau

CGM/bld  
Enclosures



PATENT APPLICATION  
Our Docket No. 960670.CNC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Donald L. N. Cardy et al : February 5, 2003  
S.N. : 08/737,457 : Art Unit 1644  
Filed : March 12, 1997 : Exam. G.R. Ewoldt  
For : IMPROVEMENTS IN OR RELATING TO  
PEPTIDE DELIVERY

LETTER

U.S. PATENT AND TRADEMARK OFFICE  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

This letter is submitted in response to a communication from the Examiner in charge of the application mailed January 13, 2003 and carrying a period for response of thirty days.

By that communication, it was deemed that before the application could be examined, the sequence in Figure 10 and in the seventh paragraph at page 8 of the specification had to be brought into sequence compliance.

To comply with the requirements of the Notice sent by the Examiner, applicants herewith supply a substitute computer readable form (CRF) copy of the requested "Sequence Listing". In addition, a substitute paper copy of the Sequence Listing is supplied as contained on page 1 of "Appendix A".

A copy of the Notice is also attached.

RECEIVED  
FEB 28 2003  
TECH CENTER 1600/2900



The information recorded in computer readable form is identical to the written Sequence Listing and they include no new matter.

It is believed that the application now complies with the requirements of 37 CFR 1.821-1.825 and, accordingly, they have requested that substantive examination of the claims proceed.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

C. G. Mersereau  
Registration No. 26,205  
Attorneys for Applicant(s)  
820 International Centre  
900 Second Avenue South  
Minneapolis, MN 55402  
(612) 339-7461

#### CERTIFICATE OF MAILING

I hereby certify that the foregoing Letter in response to the communication of January 13, 2003, together with a computer readable form (CRF) copy of the requested Sequence Listing and a copy of the Notice to Comply, in application Serial No. 08/737,457, filed on March 12, 1997 of Donald L.N. Cardy et al., entitled "IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY", and a transmittal letter is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, postage prepaid, on February 5, 2003.

Barbara L. Davis  
Secretary to C. G. Mersereau

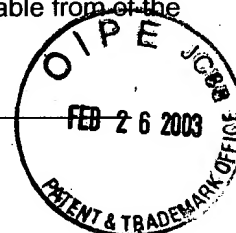
Date of Signature: February 5, 2003

# **NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_



## **Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**